

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS

**IMPORTANT NOTICE**  
**Effective March 17, 2009**

**REAFFIRMATION AGREEMENTS**

- The form reaffirmation agreement (Director's Procedural Form 240A) is available on the Court's website ([www.ohsb.uscourts.gov](http://www.ohsb.uscourts.gov), under Rules and Forms, Official Forms, Part II) and is the preferred reaffirmation agreement form in this Division. **ALL** parts of the form must be completed, signed and dated. The reaffirmation agreement must be legible. **A copy of the debtor's most recent Schedules I and J must be filed with the reaffirmation agreement.**

**The Court will enter orders requiring further action only with regard to deficiencies in Part D of a reaffirmation agreement.** The Court will take no other action on non-compliant reaffirmation agreements, and a case in which a non-compliant reaffirmation agreement is filed shall proceed to discharge, if otherwise appropriate. An *incomplete, unexecuted or undated* reaffirmation agreement may be unenforceable, or may present an affirmative defense to the debtor in an action by the creditor to enforce the reaffirmation agreement.

The Court will schedule hearings on reaffirmation agreements under the following circumstances:

When the reaffirmation agreement is filed by or on behalf of a *pro se debtor*, unless the reaffirmed debt is a consumer debt secured solely by real property.

When the reaffirmation agreement is filed by or on behalf of a debtor who is represented by counsel in his or her bankruptcy case, but whose *counsel has not signed the certification under Part C of the reaffirmation agreement*, unless the reaffirmed debt is a consumer debt secured solely by real property. Counsel and the debtor are required to attend the hearing.

At the Court's discretion when a presumption of undue hardship has not been rebutted in writing to the satisfaction of the Court.

The purpose of a hearing is limited to a determination of whether the reaffirmation agreement imposes an undue hardship on the debtor or a dependent of the debtor and whether the reaffirmation agreement is in the best interest of the debtor. 11 U.S.C. § 524(c)(6) and (d). The Court will also advise the debtor of the legal effect and consequences of entering into or defaulting on a reaffirmation agreement. 11 U.S.C. § 524(d).